

A bill for an act

relating to natural resources; modifying wild rice season; modifying certain definitions; modifying state park permit requirements; modifying authority to establish secondary units; eliminating liquor service at John A. Latsch State Park; providing for establishment of boater waysides; modifying watercraft operation requirements; providing for appeals and enforcement of certain civil penalties; providing for taking wild animals to protect public safety; modifying Board of Water and Soil Resources membership; modifying local water program; modifying Reinvest in Minnesota Resources Law; modifying certain easement authority; providing for notice of changes to public waters inventory; modifying critical habitat plate eligibility; modifying cost-share program; modifying conditions for temporary drawdown of public waters; providing certain exemptions from local ordinances; approving the consumptive use of water for certain uses; authorizing expedited rulemaking; requiring rulemaking; amending Minnesota Statutes 2008, sections 84.027, subdivision 13; 84.105; 84.66, subdivision 2; 85.053, subdivision 3; 85.054, by adding subdivisions; 86A.05, by adding a subdivision; 86A.08, subdivision 1; 86A.09, subdivision 1; 86B.311, by adding a subdivision; 97A.137, by adding a subdivision; 97A.321; 103B.101, subdivisions 1, 2; 103B.3369, subdivision 5; 103C.501, subdivisions 2, 4, 5, 6; 103F.505; 103F.511, subdivisions 5, 8a, by adding a subdivision; 103F.515, subdivisions 1, 2, 4, 5, 6; 103F.521, subdivision 1; 103F.525; 103F.526; 103F.531; 103F.535, subdivision 5; 103G.201; 168.1296, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 97B; 103G; repealing Minnesota Statutes 2008, sections 84.02; 85.0505, subdivision 2; 103F.511, subdivision 4; 103F.521, subdivision 2; Minnesota Rules, parts 8400.3000; 8400.3030; 8400.3060; 8400.3110; 8400.3130; 8400.3160; 8400.3200; 8400.3210; 8400.3230; 8400.3260; 8400.3300; 8400.3330; 8400.3360; 8400.3390; 8400.3400; 8400.3460; 8400.3500; 8400.3530; 8400.3560; 8400.3600; 8400.3610; 8400.3630; 8400.3700; 8400.3730; 8400.3800; 8400.3830; 8400.3870; 8400.3930.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 84.027, subdivision 13, is amended to read:

Subd. 13. **Game and fish rules.** (a) The commissioner of natural resources may adopt rules under sections 97A.0451 to 97A.0459 and this subdivision that are authorized under:

(1) chapters 97A, 97B, and 97C to set open seasons and areas, to close seasons and areas, to select hunters for areas, to provide for tagging and registration of game and fish, to prohibit or allow taking of wild animals to protect a species, to prevent or control wildlife disease, to open or close bodies of water or portions of bodies of water for night bow fishing, and to prohibit or allow importation, transportation, or possession of a wild animal;

(2) sections 84.093, 84.15, and 84.152 to set seasons for harvesting wild ginseng roots and wild rice and to restrict or prohibit harvesting in designated areas; and

(3) section 84D.12 to designate prohibited invasive species, regulated invasive species, unregulated nonnative species, and infested waters.

(b) If conditions exist that do not allow the commissioner to comply with sections 97A.0451 to 97A.0459, the commissioner may adopt a rule under this subdivision by submitting the rule to the attorney general for review under section 97A.0455, publishing a notice in the State Register and filing the rule with the secretary of state and the Legislative Coordinating Commission, and complying with section 97A.0459, and including a statement of the emergency conditions and a copy of the rule in the notice. The emergency conditions for opening a water body or portion of a water body for night bow fishing under this section may include the need to temporarily open the area to evaluate compatibility of the activity on that body of water prior to permanent rulemaking. The notice may be published after it is received from the attorney general or five business days after it is submitted to the attorney general, whichever is earlier.

(c) Rules adopted under paragraph (b) are effective upon publishing in the State Register and may be effective up to seven days before publishing and filing under paragraph (b), if:

(1) the commissioner of natural resources determines that an emergency exists;

(2) the attorney general approves the rule; and

(3) for a rule that affects more than three counties the commissioner publishes the rule once in a legal newspaper published in Minneapolis, St. Paul, and Duluth, or for a rule that affects three or fewer counties the commissioner publishes the rule once in a legal newspaper in each of the affected counties.

(d) Except as provided in paragraph (e), a rule published under paragraph (c), clause (3), may not be effective earlier than seven days after publication.

(e) A rule published under paragraph (c), clause (3), may be effective the day the rule is published if the commissioner gives notice and holds a public hearing on the rule within 15 days before publication.

(f) The commissioner shall attempt to notify persons or groups of persons affected by rules adopted under paragraphs (b) and (c) by public announcements, posting, and other appropriate means as determined by the commissioner.

(g) Notwithstanding section 97A.0458, a rule adopted under this subdivision is effective for the period stated in the notice but not longer than 18 months after the rule is adopted.

Sec. 2. Minnesota Statutes 2008, section 84.105, is amended to read:

84.105 WILD RICE SEASON.

Ripe wild rice may be harvested from ~~July~~ August 15 to September 30.

Sec. 3. Minnesota Statutes 2008, section 84.66, subdivision 2, is amended to read:

Subd. 2. **Definitions.** For the purpose of this section, the following terms have the meanings given:

(1) "forest land" has the meaning given under section 89.001, subdivision 4;

(2) "forest resources" has the meaning given under section 89.001, subdivision 8;

(3) "guidelines" has the meaning given under section 89A.01, subdivision 8;

(4) "riparian land" has the meaning given under section 103F.511, subdivision ~~8a~~ 8b; and

(5) "working forest land" means land that provides a broad range of goods and services, including forest products, recreation, fish and wildlife habitat, clean air and water, and carbon sequestration.

Sec. 4. Minnesota Statutes 2008, section 85.053, subdivision 3, is amended to read:

Subd. 3. ~~Second-vehicle~~ **Multiple-vehicle permits.** The commissioner shall prescribe and issue ~~second-vehicle~~ multiple-vehicle state park permits for persons who own more than one motor vehicle and who request ~~a second~~ the permit for ~~the second vehicle~~ additional vehicles on a form prescribed by the commissioner. ~~The commissioner may issue an applicant only one second-vehicle permit.~~

Sec. 5. Minnesota Statutes 2008, section 85.054, is amended by adding a subdivision to read:

4.1 Subd. 15. **John A. Latsch State Park.** A state park permit is not required and a fee
4.2 may not be charged for motor vehicle entry or parking at the parking lot located adjacent
4.3 to John Latsch Road and Trunk Highway 61 at John A. Latsch State Park.

4.4 Sec. 6. Minnesota Statutes 2008, section 85.054, is amended by adding a subdivision
4.5 to read:

4.6 Subd. 16. **Greenleaf Lake State Recreation Area.** A state park permit is not
4.7 required and a fee may not be charged for motor vehicle entry or parking at Greenleaf
4.8 Lake State Recreation Area.

4.9 Sec. 7. Minnesota Statutes 2008, section 85.054, is amended by adding a subdivision
4.10 to read:

4.11 Subd. 17. **School-sanctioned activities.** A state park permit is not required and a
4.12 fee may not be charged for vehicles transporting K-12 students engaged in school district
4.13 sanctioned activities at state parks.

4.14 Sec. 8. Minnesota Statutes 2008, section 86A.05, is amended by adding a subdivision
4.15 to read:

4.16 Subd. 15. **State boater wayside.** (a) Boater waysides may be established to provide
4.17 for public use.

4.18 (b) No unit shall be authorized as a state boater wayside unless its proposed location
4.19 substantially satisfies the following criteria:

4.20 (1) contains resources that are desirable for use by boaters;

4.21 (2) is accessible by persons traveling by boat, canoe, or kayak; and

4.22 (3) may be near, associated with, or located within a unit of the outdoor recreation
4.23 system under this section.

4.24 (c) State boater waysides shall be administered by the commissioner of natural
4.25 resources in a manner that is consistent with the purpose of this subdivision. Facilities
4.26 for sanitation, picnicking, overnight mooring, camping, fishing, and swimming may be
4.27 provided when the commissioner determines that these activities are justifiable and
4.28 compatible with the resources and the natural environment.

4.29 Sec. 9. Minnesota Statutes 2008, section 86A.08, subdivision 1, is amended to read:

4.30 Subdivision 1. **Secondary authorization; when permitted.** A unit of the outdoor
4.31 recreation system may be authorized wholly or partially within the boundaries of another

unit only when the authorization is consistent with the purposes and objectives of the respective units ~~and only in the instances permitted below:~~

~~(a) The following units may be authorized wholly or partially within a state park: historic site, scientific and natural area, wilderness area, wild, scenic, and recreational river, trail, rest area, aquatic management area, and water access site.~~

~~(b) The following units may be authorized wholly or partially within a state recreation area: historic site, scientific and natural area, wild, scenic, and recreational river, trail, rest area, aquatic management area, wildlife management area, and water access site.~~

~~(c) The following units may be authorized wholly or partially within a state forest: state park, state recreation area, historic site, wildlife management area, scientific and natural area, wilderness area, wild, scenic, and recreational river, trail, rest area, aquatic management area, and water access site.~~

~~(d) The following units may be authorized wholly or partially within a state historic site: wild, scenic, and recreational river, trail, rest area, aquatic management area, and water access site.~~

~~(e) The following units may be authorized wholly or partially within a state wildlife management area: state water access site and aquatic management area.~~

~~(f) The following units may be authorized wholly or partially within a state wild, scenic, or recreational river: state park, historic site, scientific and natural area, wilderness area, trail, rest area, aquatic management area, and water access site.~~

~~(g) The following units may be authorized wholly or partially within a state rest area: historic site, trail, wild, scenic, and recreational river, aquatic management area, and water access site.~~

~~(h) The following units may be authorized wholly or partially within an aquatic management area: historic site, scientific and natural area, wild, scenic, and recreational river, and water access site.~~

Sec. 10. Minnesota Statutes 2008, section 86A.09, subdivision 1, is amended to read:

Subdivision 1. **Master plan required.** No construction of new facilities or other development of an authorized unit, other than repairs and maintenance, shall commence until the managing agency has prepared and submitted to the commissioner of natural resources and the commissioner has reviewed, pursuant to this section, a master plan for administration of the unit in conformity with this section. No master plan is required for wildlife management areas that do not have resident managers, for water access sites, for aquatic management areas, ~~or~~ or for rest areas, or for boater waysides.

Sec. 11. Minnesota Statutes 2008, section 86B.311, is amended by adding a subdivision to read:

Subd. 6. **Law enforcement watercraft displaying emergency lights.** When approaching and passing a law enforcement watercraft with its emergency lights activated, the operator of a watercraft must safely move the watercraft away from the law enforcement watercraft and maintain a slow-no wake speed while within 150 feet of the law enforcement watercraft.

Sec. 12. Minnesota Statutes 2008, section 97A.137, is amended by adding a subdivision to read:

Subd. 4. **Exemption from certain local ordinances.** (a) Wildlife management areas that are established according to section 86A.05, subdivision 8; designated under section 97A.133 or 97A.145; and 160 contiguous acres or larger are exempt from local ordinances that limit the use and management of the unit as authorized by state law.

(b) Wildlife management areas that are established according to section 86A.05, subdivision 8; designated under section 97A.133 or 97A.145; and at least 40 contiguous acres and less than 160 contiguous acres are exempt from local ordinances that:

- (1) restrict trapping;
- (2) restrict the discharge of archery equipment;
- (3) restrict the discharge of shotguns with shot sizes of number four buckshot or smaller diameter shot;
- (4) restrict noise;
- (5) require dogs on a leash; or
- (6) would in any manner restrict the management of the unit as authorized by state law.

Sec. 13. Minnesota Statutes 2008, section 97A.321, is amended to read:

97A.321 DOGS PURSUING OR KILLING BIG GAME.

Subdivision 1. **Owner responsibility; penalty amount.** The owner of a dog that pursues but does not kill a big game animal is subject to a civil penalty of \$100 for each violation. The owner of a dog that kills a big game animal is subject to a civil penalty of \$500 for each violation.

Subd. 2. **Appeals.** Civil penalties under this section may be appealed according to procedures in section 116.072, subdivision 6, if the person requests a hearing by notifying the commissioner in writing within 15 days after receipt of the citation. If a hearing

is not requested within the 15-day period, the civil penalty becomes a final order not subject to further review.

Subd. 3. **Enforcement.** Civil penalties under this section may be enforced according to section 116.072, subdivisions 9 and 10.

Subd. 4. **Payment of penalty.** Penalty amounts shall be remitted to the commissioner within 30 days of issuance of the penalty notice and shall be deposited in the game and fish fund.

Sec. 14. **[97B.657] TAKING WILD ANIMALS TO PROTECT PUBLIC SAFETY.**

A licensed peace officer may, at any time, take a protected wild animal that is posing an immediate threat to public safety. A peace officer who destroys a protected wild animal under this section must report the taking to a conservation officer as soon as practicable, but no later than 48 hours after the animal is destroyed.

Sec. 15. Minnesota Statutes 2008, section 103B.101, subdivision 1, is amended to read:

Subdivision 1. **Membership.** The Board of Water and Soil Resources is composed of ~~12~~ 15 appointed members knowledgeable of water and soil problems and conditions within the state and five ex officio members.

Sec. 16. Minnesota Statutes 2008, section 103B.101, subdivision 2, is amended to read:

Subd. 2. **Voting members.** (a) The members are:

- (1) three county commissioners;
- (2) three soil and water conservation district supervisors;
- (3) three watershed district or watershed management organization representatives;
- (4) three citizens who are not employed by, or the appointed or elected officials of, a governmental office, board, or agency;

(5) one township officer;
(6) two elected city officials, one of whom must be from a city located in the metropolitan area, as defined under section 473.121, subdivision 2;

- ~~(5)~~ (7) the commissioner of agriculture;
- ~~(6)~~ (8) the commissioner of health;
- ~~(7)~~ (9) the commissioner of natural resources;
- ~~(8)~~ (10) the commissioner of the Pollution Control Agency; and
- ~~(9)~~ (11) the director of the University of Minnesota Extension Service.

(b) Members in paragraph (a), clauses (1) to ~~(4)~~ (6), must be distributed across the state with at least ~~three~~ four members but not more than ~~five~~ six members from the

metropolitan area, as defined by section 473.121, subdivision 2; and one from each of the current soil and water conservation administrative regions.

(c) Members in paragraph (a), clauses (1) to ~~(4)~~ (6), are appointed by the governor. In making the appointments, the governor may consider persons recommended by the Association of Minnesota Counties, the Minnesota Association of Townships, the League of Minnesota Cities, the Minnesota Association of Soil and Water Conservation Districts, and the Minnesota Association of Watershed Districts. The list submitted by an association must contain at least three nominees for each position to be filled.

(d) The membership terms, compensation, removal of members and filling of vacancies on the board for members in paragraph (a), clauses (1) to ~~(4)~~ (6), are as provided in section 15.0575.

Sec. 17. Minnesota Statutes 2008, section 103B.3369, subdivision 5, is amended to read:

Subd. 5. **Financial assistance.** A base grant may be awarded to a county that ~~levies~~ provides a match utilizing a water implementation tax or other local source. A water implementation tax that a county intends to use as a match to the base grant must be levied at a rate, ~~which shall be~~ determined by the board. The minimum amount of the water implementation tax shall be a tax rate times the adjusted net tax capacity of the county for the preceding year. The rate shall be the rate, rounded to the nearest .001 of a percent, that, when applied to the adjusted net tax capacity for all counties, raises the amount of \$1,500,000. The base grant will be in an amount equal to \$37,500 less the amount raised by ~~that levy~~ the local match. If the amount necessary to implement the local water plan for the county is less than \$37,500, the amount of the base grant shall be the amount that, when added to the ~~levy~~ match amount, equals the amount required to implement the plan. For counties where the tax rate generates an amount equal to or greater than \$18,750, the base grant shall be in an amount equal to \$18,750.

Sec. 18. Minnesota Statutes 2008, section 103C.501, subdivision 2, is amended to read:

Subd. 2. **Request by district board.** ~~(a)~~ A district board requesting funds of the state board must submit an application in a form prescribed by the board containing:

- (1) a comprehensive plan;
- (2) an annual work plan; and
- (3) an application for cost-sharing funds.

~~(b) The comprehensive and annual work plans must be completed as provided in section 103C.331, subdivision 11. After review of the district's comprehensive plan, the~~

9.1 ~~state board must approve the comprehensive plan with necessary amendments or reject~~
9.2 ~~the plan.~~

9.3 Sec. 19. Minnesota Statutes 2008, section 103C.501, subdivision 4, is amended to read:

9.4 Subd. 4. **Cost-sharing funds.** (a) The state board shall allocate at least 70 percent
9.5 of cost-sharing funds to areas with high priority erosion, sedimentation, or water quality
9.6 problems or water quantity problems due to altered hydrology. The areas must be
9.7 selected based on the statewide priorities established by the state board. The allocated
9.8 funds must be used for conservation practices for high priority problems identified in the
9.9 comprehensive and annual work plans of the districts.

9.10 (b) The remaining cost-sharing funds may be allocated to districts as follows:

9.11 (1) for technical and administrative assistance, not more than 20 percent of the
9.12 funds; and

9.13 (2) for conservation practices for lower priority erosion, sedimentation, or water
9.14 quality problems.

9.15 Sec. 20. Minnesota Statutes 2008, section 103C.501, subdivision 5, is amended to read:

9.16 Subd. 5. **Contracts by districts.** (a) A district board may contract on a cost-share
9.17 basis to furnish financial aid to a land occupier or to a state agency for permanent systems
9.18 for erosion or sedimentation control or water quality ~~improvement~~ improvement or water quantity
9.19 improvements that are consistent with the district's comprehensive and annual work plans.

9.20 (b) The duration of the contract must, at a minimum, be the time required to
9.21 complete the planned systems. A contract must specify that the land occupier is liable for
9.22 monetary damages and penalties in an amount up to 150 percent of the financial assistance
9.23 received from the district, for failure to complete the systems or practices in a timely
9.24 manner or maintain the systems or practices as specified in the contract.

9.25 (c) A contract may provide for cooperation or funding with federal agencies. A land
9.26 occupier or state agency may provide the cost-sharing portion of the contract through
9.27 services in kind.

9.28 (d) The state board or the district board may not furnish any financial aid for
9.29 practices designed only to increase land productivity.

9.30 (e) When a district board determines that long-term maintenance of a system or
9.31 practice is desirable, the board may require that maintenance be made a covenant upon
9.32 the land for the effective life of the practice. A covenant under this subdivision shall be
9.33 construed in the same manner as a conservation restriction under section 84.65.

Sec. 21. Minnesota Statutes 2008, section 103C.501, subdivision 6, is amended to read:

Subd. 6. **Policies and rules.** (a) The state board may adopt rules and shall adopt ~~rules~~ policies prescribing:

- (1) procedures and criteria for allocating funds for cost-sharing contracts;
- (2) standards and guidelines for cost-sharing contracts;
- (3) the scope and content of district comprehensive plans, plan amendments, and annual work plans;
- (4) standards and methods necessary to plan and implement a priority cost-sharing program, including guidelines to identify high priority erosion, sedimentation, and water quality problems and water quantity problems due to altered hydrology;
- (5) the share of the cost of conservation practices to be paid from cost-sharing funds; and
- (6) requirements for districts to document their efforts to identify and contact land occupiers with high priority ~~erosion~~ problems.

(b) The rules may provide that cost-sharing may be used for ~~farmstead~~ windbreaks and shelterbelts for the purposes of energy conservation and snow protection.

(c) The board may establish alternative practices to those defined in section 84.02 for restoration or establishment of native prairie, grasslands, shorelands, riparian buffers, or wetlands based on soil type, seed availability, adjacent land uses, project or practice purpose, or other site-specific factors.

Sec. 22. Minnesota Statutes 2008, section 103F.505, is amended to read:

103F.505 PURPOSE AND POLICY.

It is the purpose of sections 103F.505 to 103F.531 to ~~keep~~ restore certain marginal agricultural land ~~out of crop production~~ and protect environmentally sensitive areas to protect enhance soil and water quality, minimize damage to flood-prone areas, sequester carbon, and support native plant, fish, and wildlife habitat habitats. It is state policy to encourage the restoration of wetlands and riparian lands and promote the retirement of marginal, highly erodible land, particularly land adjacent to public waters, drainage systems, wetlands, and locally designated priority waters, ~~from crop production and to reestablish a cover of perennial vegetation.~~

Sec. 23. Minnesota Statutes 2008, section 103F.511, subdivision 5, is amended to read:

Subd. 5. **Drained wetland.** "Drained wetland" means a former natural wetland that has been altered by draining, dredging, filling, leveling, or other manipulation sufficient to render the land suitable for agricultural crop production. ~~The alteration must have~~

11.1 ~~occurred before December 23, 1985, and must be a legal alteration as determined by the~~
11.2 ~~commissioner of natural resources.~~

11.3 Sec. 24. Minnesota Statutes 2008, section 103F.511, is amended by adding a
11.4 subdivision to read:

11.5 Subd. 8a. **Reinvest in Minnesota reserve program.** "Reinvest in Minnesota
11.6 reserve program" means the program established under section 103F.515.

11.7 Sec. 25. Minnesota Statutes 2008, section 103F.511, subdivision 8a, is amended to read:

11.8 Subd. ~~8a~~ **8b. Riparian land.** "Riparian land" means lands adjacent to public
11.9 waters, drainage systems, wetlands, or locally designated priority waters ~~identified in a~~
11.10 ~~comprehensive local water plan, as defined in section 103B.3363, subdivision 3.~~

11.11 Sec. 26. Minnesota Statutes 2008, section 103F.515, subdivision 1, is amended to read:

11.12 Subdivision 1. **Establishment of program.** The board, in consultation with the
11.13 commissioner of agriculture and the commissioner of natural resources, shall establish
11.14 and administer ~~a conservation~~ the reinvest in Minnesota reserve program. The board
11.15 shall implement sections 103F.505 to 103F.531. Selection of land for the ~~conservation~~
11.16 reinvest in Minnesota reserve program must be based on its enhancement potential for
11.17 ~~fish and wildlife production, and native plant habitats,~~ reducing erosion, and protecting
11.18 water quality.

11.19 Sec. 27. Minnesota Statutes 2008, section 103F.515, subdivision 2, is amended to read:

11.20 Subd. 2. **Eligible land.** (a) Land may be placed in the ~~conservation~~ reinvest in
11.21 Minnesota reserve program if the land meets the requirements of paragraphs (b) and (c).

11.22 (b) Land is eligible if the land:

11.23 (1) is marginal agricultural land;

11.24 (2) is adjacent to marginal agricultural land and is either beneficial to resource
11.25 protection or necessary for efficient recording of the land description;

11.26 (3) consists of a drained wetland;

11.27 (4) is land that with a windbreak or water quality improvement practice would be
11.28 beneficial to resource protection;

11.29 (5) is land in a sensitive groundwater area;

11.30 (6) is riparian land;

11.31 (7) is cropland or noncropland adjacent to restored wetlands to the extent of up to
11.32 four acres of cropland or one acre of noncropland for each acre of wetland restored;

- 12.1 (8) is a woodlot on agricultural land;
- 12.2 (9) is abandoned building site on agricultural land, provided that funds are not used
- 12.3 for compensation of the value of the buildings; or
- 12.4 (10) is land ~~on a hillside~~ used for pasture.
- 12.5 (c) Eligible land under paragraph (a) must:
- 12.6 (1) be owned by the landowner, or a parent or other blood relative of the landowner,
- 12.7 for at least one year before the date of application;
- 12.8 (2) be at least five acres in size, except for a drained wetland area, riparian area,
- 12.9 windbreak, woodlot, or abandoned building site, or be a whole field ~~as defined by the~~
- 12.10 ~~United States Agricultural Stabilization and Conservation Services;~~
- 12.11 (3) not be set aside, enrolled or diverted under another federal or state government
- 12.12 program unless enrollment in the ~~conservation~~ reinvest in Minnesota reserve program
- 12.13 would provide additional conservation benefits or a longer term of enrollment than under
- 12.14 the current federal or state program; and
- 12.15 (4) have been in agricultural crop production for at least two of the last five
- 12.16 years before the date of application, except drained wetlands, riparian lands, woodlots,
- 12.17 abandoned building sites, environmentally sensitive areas, or land ~~on a hillside~~ used
- 12.18 for pasture.
- 12.19 (d) ~~In selecting drained wetlands for enrollment in the program, the highest priority~~
- 12.20 ~~must be given to wetlands with a cropping history during the period 1976 to 1985.~~
- 12.21 ~~(e)~~ In selecting land for enrollment in the program, highest priority must be given to
- 12.22 permanent easements that are consistent with the purposes stated in section 103F.505.

12.23 Sec. 28. Minnesota Statutes 2008, section 103F.515, subdivision 4, is amended to read:

12.24 Subd. 4. **Nature of property rights acquired.** (a) A conservation easement must

12.25 prohibit:

12.26 (1) alteration of wildlife habitat and other natural features, unless specifically

12.27 approved by the board;

12.28 (2) agricultural crop production and livestock grazing, unless specifically approved

12.29 by the board for ~~wildlife~~ conservation management purposes; and

12.30 (3) ~~grazing of livestock except, for agreements entered before the effective date of~~

12.31 ~~Laws 1990, chapter 391, grazing of livestock may be allowed only if approved by the~~

12.32 ~~board after consultation with the commissioner of natural resources, in the case of severe~~

12.33 ~~drought, or a local emergency declared under section 12.29; and~~

13.1 ~~(4)~~ spraying with chemicals or mowing, except as necessary to comply with noxious
13.2 weed control laws ~~or, for~~ emergency control of pests necessary to protect public health, or
13.3 as approved by the board for conservation management purposes.

13.4 (b) A conservation easement is subject to the terms of the agreement provided in
13.5 subdivision 5.

13.6 (c) A conservation easement must allow repairs, improvements, and inspections
13.7 necessary to maintain public drainage systems provided the easement area is restored to
13.8 the condition required by the terms of the conservation easement.

13.9 Sec. 29. Minnesota Statutes 2008, section 103F.515, subdivision 5, is amended to read:

13.10 Subd. 5. **Agreements by landowner.** The board may enroll eligible land in the
13.11 ~~conservation~~ reinvest in Minnesota reserve program by signing an agreement in recordable
13.12 form with a landowner in which the landowner agrees:

13.13 (1) to convey to the state a conservation easement that is not subject to any prior
13.14 title, lien, or encumbrance;

13.15 (2) to seed the land subject to the conservation easement, as specified in the
13.16 agreement, to establish and maintain perennial cover of either a grass-legume mixture or
13.17 native grasses for the term of the easement, at seeding rates determined by the board; or
13.18 to plant trees or carry out other long-term capital improvements approved by the board
13.19 for soil and water conservation or wildlife management;

13.20 (3) to convey to the state a permanent easement for the wetland restoration;

13.21 (4) that other land supporting natural vegetation owned or leased as part of the
13.22 same farm operation at the time of application, if it supports natural vegetation ~~or~~ and
13.23 has not been used in agricultural crop production, will not be converted to agricultural
13.24 crop production or pasture; and

13.25 (5) that the easement duration may be lengthened through mutual agreement with
13.26 the board in consultation with the commissioners of agriculture and natural resources
13.27 if they determine that the changes effectuate the purpose of the program or facilitate
13.28 its administration.

13.29 Sec. 30. Minnesota Statutes 2008, section 103F.515, subdivision 6, is amended to read:

13.30 Subd. 6. **Payments for conservation easements and establishment of ~~cover~~**
13.31 **conservation practices.** (a) The board ~~must make the following~~ shall establish rates
13.32 for payments to the landowner for the conservation easement and ~~agreement.~~ related
13.33 practices. The board shall consider market factors, including the township average

14.1 equalized estimated market value of property as established by the commissioner of
14.2 revenue at the time of easement application.

14.3 ~~(1) to establish the perennial cover or other improvements required by the agreement;~~

14.4 ~~(i) except as provided in items (ii) and (iii), up to 75 percent of the total eligible cost~~
14.5 ~~not to exceed \$125 per acre for limited duration easements and 100 percent of the total~~
14.6 ~~eligible cost not to exceed \$150 per acre for perpetual easements;~~

14.7 ~~(ii) for native species restoration, 75 percent of the total eligible cost not to exceed~~
14.8 ~~\$200 per acre for limited duration easements and 100 percent of the total eligible cost not~~
14.9 ~~to exceed \$300 per acre for perpetual easements; and~~

14.10 ~~(iii) 100 percent of the total eligible cost of wetland restoration not to exceed \$600~~
14.11 ~~per acre;~~

14.12 ~~(2) for the cost of planting trees required by the agreement, up to 75 percent of the~~
14.13 ~~total eligible cost not to exceed \$250 per acre for limited duration easements, and 100~~
14.14 ~~percent of the total eligible cost not to exceed \$400 per acre for perpetual easements;~~

14.15 ~~(3) for a permanent easement, 70 percent of the township average equalized~~
14.16 ~~estimated market value of agricultural property as established by the commissioner of~~
14.17 ~~revenue at the time of easement application;~~

14.18 ~~(4) for an easement of limited duration, 90 percent of the present value of the~~
14.19 ~~average of the accepted bids for the federal conservation reserve program, as contained in~~
14.20 ~~Public Law 99-198, in the relevant geographic area and on bids accepted at the time of~~
14.21 ~~easement application; or~~

14.22 ~~(5) an alternative payment system for easements based on cash rent or a similar~~
14.23 ~~system as may be determined by the board.~~

14.24 ~~(b) For hillside pasture conservation easements, the payments to the landowner in~~
14.25 ~~paragraph (a) for the conservation easement and agreement must be reduced to reflect the~~
14.26 ~~value of similar property.~~

14.27 (b) The board may establish alternative practices to those defined in section 84.02 for
14.28 restoration of native prairie, grasslands, or wetlands based on soil type, seed availability,
14.29 adjacent land uses, or other site-specific factors.

14.30 (c) The board may establish a payment system for flowage easements acquired
14.31 under this section.

14.32 (d) For wetland restoration projects involving more than one conservation easement,
14.33 state payments for restoration costs may exceed the limits set forth in this section by the
14.34 board for an individual easement provided the total payment for the restoration project
14.35 does not exceed the amount payable for the total number of acres involved.

15.1 (e) The board may use available nonstate funds to exceed the payment limits in
15.2 this section.

15.3 Sec. 31. Minnesota Statutes 2008, section 103F.521, subdivision 1, is amended to read:

15.4 Subdivision 1. **Cooperation.** In implementing sections 103F.505 to 103F.531, the
15.5 board must share information and cooperate with the Department of Agriculture, the
15.6 Department of Natural Resources, the Pollution Control Agency, the United States Fish
15.7 and Wildlife Service, ~~the Agricultural Stabilization and Conservation Service and Soil~~
15.8 ~~Conservation Service of the United States Department of Agriculture, the Minnesota~~
15.9 Extension Service, the University of Minnesota, county boards, soil and water conservation
15.10 districts, watershed districts, and interested private organizations and individuals.

15.11 Sec. 32. Minnesota Statutes 2008, section 103F.525, is amended to read:

15.12 **103F.525 SUPPLEMENTAL PAYMENTS ON FEDERAL AND STATE**
15.13 **CONSERVATION PROGRAMS.**

15.14 The board may supplement payments made under federal land retirement programs
15.15 to the extent of available appropriations ~~other than bond proceeds~~. The supplemental
15.16 payments must be used to establish perennial cover on land enrolled or increase payments
15.17 for land enrollment in programs approved by the board, ~~including the federal conservation~~
15.18 ~~reserve program and federal and state water bank program.~~

15.19 Sec. 33. Minnesota Statutes 2008, section 103F.526, is amended to read:

15.20 **103F.526 FOOD PLOTS IN WINDBREAKS.**

15.21 The board, ~~in cooperation with the commissioner of natural resources~~, may authorize
15.22 wildlife food plots on land ~~with windbreaks~~ enrolled in a conservation easement under
15.23 section 103F.515.

15.24 Sec. 34. Minnesota Statutes 2008, section 103F.531, is amended to read:

15.25 **103F.531 RULEMAKING.**

15.26 The board may adopt rules or policy to implement sections 103F.505 to 103F.531.
15.27 ~~The rules must include standards for tree planting so that planting does not conflict with~~
15.28 ~~existing electrical lines, telephone lines, rights-of-way, or drainage ditches.~~

15.29 Sec. 35. Minnesota Statutes 2008, section 103F.535, subdivision 5, is amended to read:

Subd. 5. **Release and alteration of conservation easements.** Conservation easements ~~existing under this section, as of April 30, 1992,~~ may be altered, released, or terminated by the board of ~~Water and Soil Resources~~ after consultation with the commissioners of agriculture and natural resources. The board may alter, release, or terminate a conservation easement only if the board determines that the public interest and general welfare are better served by the alteration, release, or termination.

Sec. 36. Minnesota Statutes 2008, section 103G.201, is amended to read:

103G.201 PUBLIC WATERS INVENTORY.

(a) The commissioner shall ~~prepare~~ maintain a public waters inventory map of each county that shows the waters of this state that are designated as public waters under the public waters inventory and classification procedures prescribed under Laws 1979, chapter 199, and shall provide access to a copy of the maps and lists. ~~The~~ As county public waters inventory map for each county must be filed with maps and lists are revised according to this section, the commissioner shall send a notification or a copy of the maps and lists to the auditor of the each affected county.

(b) The commissioner is authorized to revise the list of public waters established under Laws 1979, chapter 199, to reclassify those types 3, 4, and 5 wetlands previously identified as public waters wetlands under Laws 1979, chapter 199, as public waters or as wetlands under section 103G.005, subdivision 19. The commissioner may only reclassify public waters wetlands as public waters if:

(1) they are assigned a shoreland management classification by the commissioner under sections 103F.201 to 103F.221;

(2) they are classified as lacustrine wetlands or deepwater habitats according to Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, et al., 1979 edition); or

(3) the state or federal government has become titleholder to any of the beds or shores of the public waters wetlands, subsequent to the preparation of the public waters inventory map filed with the auditor of the county, pursuant to paragraph (a), and the responsible state or federal agency declares that the water is necessary for the purposes of the public ownership.

(c) The commissioner must provide notice of the reclassification to the local government unit, the county board, the watershed district, if one exists for the area, and the soil and water conservation district. Within 60 days of receiving notice from the commissioner, a party required to receive the notice may provide a resolution stating objections to the reclassification. If the commissioner receives an objection from a party

required to receive the notice, the reclassification is not effective. If the commissioner does not receive an objection from a party required to receive the notice, the reclassification of a wetland under paragraph (b) is effective 60 days after the notice is received by all of the parties.

(d) The commissioner shall give priority to the reclassification of public waters wetlands that are or have the potential to be affected by public works projects.

(e) The commissioner may revise the public waters inventory map and list of each county:

(1) to reflect the changes authorized in paragraph (b); and

(2) as needed, to:

(i) correct errors in the original inventory;

(ii) add or subtract trout stream tributaries within sections that contain a designated trout stream following written notice to the landowner;

(iii) add depleted quarries, and sand and gravel pits, when the body of water exceeds 50 acres and the shoreland has been zoned for residential development; and

(iv) add or subtract public waters that have been created or eliminated as a requirement of a permit authorized by the commissioner under section 103G.245.

Sec. 37. [103G.408] TEMPORARY DRAWDOWN OF PUBLIC WATERS.

(a) The commissioner, upon consideration of recommendations and objections as provided in clause (4) and paragraph (c), may issue a public waters work permit for the temporary drawdown of a public water when:

(1) the permit applicant is a public entity;

(2) the commissioner deems the project to be beneficial and in the public interest;

(3) the permit applicant has obtained written permission from a majority of the riparian landowners; and

(4) the permit applicant has conducted a public hearing according to paragraph (d).

(b) In addition to the requirements in section 103G.301, subdivision 6, the permit applicant shall serve a copy of the application on each county and municipality within which any portion of the public water is located and on the lake improvement district, if one exists.

(c) A county, municipality, watershed district, watershed management organization, or lake improvement district required to be served under paragraph (b) or section 103G.301, subdivision 6, may file a written recommendation for the issuance of a permit or an objection to the issuance of a permit with the commissioner within 30 days after receiving a copy of the application.

(d) The hearing notice for a public hearing under paragraph (a), clause (4), must:
(1) include the date, place, and time for the hearing;
(2) include the waters affected and a description of the proposed project;
(3) be mailed to the director, the county auditor, the clerk or mayor of a municipality,
the lake improvement district if one exists, the watershed district or water management
organization, the soil and water conservation district, and all riparian owners of record
affected by the application; and
(4) be published in a newspaper of general circulation in the affected area.
(e) This section does not apply to public waters that have been designated for
wildlife management under section 97A.101.

Sec. 38. Minnesota Statutes 2008, section 168.1296, subdivision 1, is amended to read:

Subdivision 1. **General requirements and procedures.** (a) The commissioner shall issue critical habitat plates to an applicant who:

- (1) is a registered owner of a passenger automobile, one-ton pickup truck or recreational vehicle;
- (2) pays a fee of \$10 to cover the costs of handling and manufacturing the plates;
- (3) pays the registration tax required under section 168.013;
- (4) pays the fees required under this chapter;
- (5) contributes a minimum of \$30 annually to the Minnesota critical habitat private sector matching account established in section 84.943; and
- (6) complies with this chapter and rules governing registration of motor vehicles and licensing of drivers.

(b) The critical habitat plate application must indicate that the annual contribution specified under paragraph (a), clause (5), is a minimum contribution to receive the plate and that the applicant may make an additional contribution to the account.

(c) Owners of one-ton pickup trucks or recreational vehicles under paragraph (a), clause (1), ~~are~~ may be eligible ~~only~~ for special critical habitat license plates ~~for which the designs are selected under subdivision 2,~~ on or after January 1, ~~2006~~ 2012.

(d) Special critical habitat license plates, ~~the designs for which are selected under subdivision 2, on or after January 1, 2006,~~ may be personalized according to section 168.12, subdivision 2a on or after January 1, 2012.

Sec. 39. **CONSUMPTIVE USE OF WATER.**

Pursuant to Minnesota Statutes, section 103G.265, subdivision 3, the legislature
approves of the consumptive use of water under a permit of more than 2,000,000 gallons

per day average in a 30-day period in St. Louis County, in connection with snowmaking,
subject to the commissioner of natural resources making a determination that the water
remaining in the basin of origin will be adequate to meet the basin's need for water and
approval by the commissioner of natural resources of all applicable permits.

Sec. 40. **RULEMAKING.**

(a) The commissioner of natural resources shall adopt or amend rules to establish
minimum size limits for muskellunge on inland waters consistent with the provisions
of this section. The commissioner must:

(1) establish a 48-inch statewide minimum size restriction for muskellunge and
muskellunge-northern pike hybrids in inland waters, except for the lakes listed in clause
(2) that are managed specifically for muskellunge-northern pike hybrids in Carver, Dakota,
Hennepin, Ramsey, Scott, and Washington Counties; and

(2) establish a 40-inch minimum size restriction for muskellunge-northern pike
hybrids in the following lakes in Carver, Dakota, Hennepin, Ramsey, Scott, and
Washington Counties:

<u>LAKE</u>	<u>COUNTY</u>
<u>Bryant</u>	<u>Hennepin</u>
<u>Bush</u>	<u>Hennepin</u>
<u>Calhoun</u>	<u>Hennepin</u>
<u>Cedar</u>	<u>Hennepin</u>
<u>Cedar</u>	<u>Scott</u>
<u>Clear</u>	<u>Washington</u>
<u>Crystal</u>	<u>Dakota</u>
<u>Crystal</u>	<u>Hennepin</u>
<u>Eagle</u>	<u>Carver</u>
<u>Elmo</u>	<u>Washington</u>
<u>Gervais</u>	<u>Ramsey</u>
<u>Island</u>	<u>Ramsey</u>
<u>Isles</u>	<u>Hennepin</u>
<u>Johanna</u>	<u>Ramsey</u>
<u>Nokomis</u>	<u>Hennepin</u>
<u>Orchard</u>	<u>Dakota</u>
<u>Phalen</u>	<u>Ramsey</u>
<u>Pierson</u>	<u>Carver</u>
<u>Silver</u>	<u>Ramsey</u>
<u>Wasserman</u>	<u>Carver</u>
<u>Weaver</u>	<u>Hennepin</u>

20.1 (b) The commissioner may use the good cause exemption under Minnesota Statutes,
20.2 section 14.388, subdivision 1, clause (3), to adopt the rules. Minnesota Statutes, section
20.3 14.386, does not apply except as provided in Minnesota Statutes, section 14.388.

20.4 Sec. 41. **REVISOR'S INSTRUCTION.**

20.5 The revisor of statutes shall change the term "conservation reserve program" to
20.6 "reinvest in Minnesota reserve program" where it appears in Minnesota Statutes, sections
20.7 84.95, subdivision 2; 92.70, subdivision 1; and 103H.105.

20.8 Sec. 42. **REPEALER.**

20.9 (a) Minnesota Statutes 2008, sections 84.02; 85.0505, subdivision 2; 103F.511,
20.10 subdivision 4; and 103F.521, subdivision 2, are repealed.

20.11 (b) Minnesota Rules, parts 8400.3000; 8400.3030; 8400.3060; 8400.3110;
20.12 8400.3130; 8400.3160; 8400.3200; 8400.3210; 8400.3230; 8400.3260; 8400.3300;
20.13 8400.3330; 8400.3360; 8400.3390; 8400.3400; 8400.3460; 8400.3500; 8400.3530;
20.14 8400.3560; 8400.3600; 8400.3610; 8400.3630; 8400.3700; 8400.3730; 8400.3800;
20.15 8400.3830; 8400.3870; and 8400.3930, are repealed.